
Appeal Decision

Site visit made on 9 July 2024 by N Manley BA (Hons) MSc

Decision by A Price BSc MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 17 December 2024

Appeal Ref: APP/U1620/Z/24/3340952

Land at St Ann Way, St Ann Way, Gloucester GL1 5SH

- The appeal is made under Regulation 17 of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007 (as amended) against a refusal to grant express consent.
 - The appeal is made by Gloucester Quays LLP against the decision of Gloucester City Council.
 - The application Ref is 23/00936/ADV.
 - The advertisement proposed is the erection of 2. No freestanding internally illuminated digital matrix LED advertisement displays.
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This decision is issued in accordance with section 56 (2) of the Planning and Compulsory Purchase Act 2004 as amended and supersedes that issued on 29 November 2024.

Decision

1. The appeal is dismissed.

Appeal Procedure

2. The site visit was undertaken by a representative of the Inspector whose recommendation is set out below and to which the Inspector has had regard before deciding the appeal.

Preliminary Matters

3. The description of the proposed advertisement included on the application form has been amended in subsequent documents. I have used the description from the Council's decision notice as this more accurately describes the proposal.

Main Issue

4. The main issues are the effects of the proposed advertisement on the amenity of the area and public safety.

Reasons for the Recommendation

Amenity

5. The Planning Practice Guidance (PPG) sets out that in practice 'amenity' is usually understood to mean the effect on visual and aural amenity in the immediate neighbourhood of an advertisement, and the local characteristics of the neighbourhood should always be considered. The National Planning Policy Framework (the Framework) sets out that the quality and character of places can suffer when advertisements are poorly sited and designed.

6. The appeal site is situated at a prominent and highly visible location next to a busy highway at the junction of St Ann Way and Baker Street. Although located within a commercial district, the site itself remains open and undeveloped.
7. The height, scale, prominent position and freestanding nature of the proposed advertisement would appear visually intrusive and incongruous in this location, in contrast with the uncluttered and open appearance of the site.
8. Although there are other high-level advertisements nearby and visible from the site, including some which are comparable in scale to the proposal, these are typically attached to buildings or associated with retail units. This allows them to be largely visually integrated into their surroundings, reducing their visual dominance. This is in stark contrast with the appeal scheme.
9. The appellant argues that the proposed setback of the advertisement would reduce its visual dominance, claiming it would blend in as a roadside feature that contributes to the overall character of the area. However, due to the open nature of the site, the advertisement would remain a visually dominant feature here and the reasonably limited setback would fail to overcome the harm identified.
10. The Council contends that the combination of the scale of the advertisement with its illumination would harm the amenity of the area. However, the proposed advertisement's brightness levels would self-adjust to ambient conditions throughout the day, ensuring appropriate illumination levels and displaying only static images without movement. Moreover, it would be positioned against a commercial backdrop on a busy thoroughfare, where existing nighttime lighting from shopfronts, street lighting and passing vehicles already contributes to the overall illumination. In this context, the illumination of the advertisement would not negatively impact the area's amenity, and its brightness would not appear excessive. Moreover, illumination levels could be controlled by condition.
11. My attention has been drawn to several other advertisements in Gloucester that have recently been granted consent. However, based on the evidence and photographs provided by the appellant, these proposals differ from the current appeal, as they appear to involve advertisements either attached to larger buildings or located on much smaller sites. In any case, I do not have full details of the circumstances that led to these advertisements being granted consent. Ultimately, the existence of these other advertisements has not led me to an alternative conclusion on this main issue.
12. Whilst I have not found harm in respect of the illumination of the proposal, I conclude that the advertisement's siting and scale would lead to a visually dominant and incongruous feature at the site which would harm the amenity of the area. Consequently, the proposal would conflict with policy SD4 of the Gloucester, Cheltenham and Tewkesbury Joint Core Strategy (GCTJCS) (adopted 2017) and policy F7 of the Gloucester City Plan (adopted 2023). Amongst other things, these policies aim to ensure that advertisements respect and respond to the character of the site, area and surroundings and seek to prevent advertisements which are poorly sited.

Public Safety

13. The PPG states that while all advertisements are designed to attract attention, those placed where drivers need to be more cautious such as at junctions, roundabouts, pedestrian crossings, approaches to low bridges, level crossings, or other areas with traffic hazards, are more likely to impact public safety. It also states that improperly sized and positioned advertisements can endanger road users, particularly at junctions, where they may obstruct or confuse a driver's view or reduce the clarity and effectiveness of traffic signals.
14. The proposed advertisement would face onto the wide, signalised junction of St Ann Way with Baker Street and the retail park to the south. This is a location where motorists must navigate multiple traffic signals and signage, make quick decisions, and remain alert to changing conditions. The combination of the advertisement's size, orientation and illumination in this highly prominent position would attract attention and form a distracting visual feature for highway users. This would impair drivers' ability to interpret signals, reduce their awareness of pedestrians and increase the risk of collision.
15. I have carefully considered the submitted Highways Technical Note. This cites low historical accident rates in the area, along with the proposed illumination levels and minimum display durations of 10 seconds as factors that would mitigate any potential risk. It also sets out that there would be a minimal overlap between the proposed advertisement and the signal heads at the junction. However, the absence of recorded accidents is not a compelling justification for increasing the risk of future incidents. While there may be limited overlap, this does not change the close proximity of the advertisement to the junction and signal heads and consequently its ability to distract drivers.
16. I acknowledge that there would be some long views of the proposed advertisement when approaching from St Ann Way, allowing drivers to anticipate the oncoming advertisement. I also note that it is proposed to set the advertisement back from the edge of the highway. However, these factors do not overcome or outweigh the harm identified.
17. The appellant has drawn my attention to a summary of other appeals relating to advertisements. They argue that those advertisements have had no discernible impact on public safety. Nevertheless, I have only limited information before me in respect of those schemes and am unable to draw direct comparisons between them and the appeal scheme before me. In any case, each proposal must be assessed on its own individual circumstances.
18. Both parties have referred to the Design Manual for Roads and Bridges (DMRB). However, as I have not been provided with a full copy of this document, I have not taken it into consideration.
19. Overall, I conclude that the proposal would have an unacceptable impact upon public safety. It would therefore conflict with Policies INF1 and SD4 of the GCTJCS. Amongst other things, these policies require all proposals to result in a safe transport network and reduce the risk of conflict between traffic, cyclists and pedestrians.

Conclusion and Recommendation

20. For the reasons given above and having had regard to all other matters raised, I recommend that the appeal should be dismissed.

N Manley

APPEAL PLANNING OFFICER

Inspector's Decision

21. I have considered all the submitted evidence and my representative's report and on that basis the appeal is dismissed.

A Price

INSPECTOR